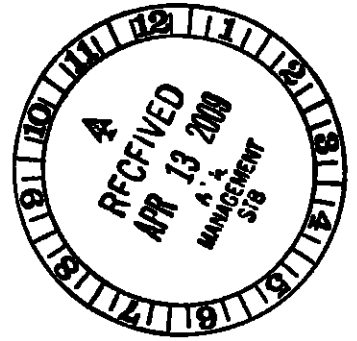


Indiana Trails Fund  
217 W. 10<sup>th</sup> St. #120  
PO Box 402  
Indianapolis, IN 46204



8 April 2009

224879

**FEE RECEIVED**

APR 13 2009

**SURFACE  
TRANSPORTATION BOARD**

**Secretary  
Surface Transportation Board  
Washington DC 20423-0001**

**Re: Central RR of Indianapolis abandonment in Howard County,  
Indiana, AB-511-Sub#4X**

**ENTERED  
Office of Proceedings**

APR 13 2009

**Part of  
Public Record**

**Dear Secretary:**

**Please accept this original and ten copies of this request by the  
Indiana Trails Fund to railbank the lines in the above captioned  
proceeding.**

**Also included is a copy and envelope to date stamp and return.**

**Further a check for two hundred dollars (\$200.00) is included.**

**Thank you,**

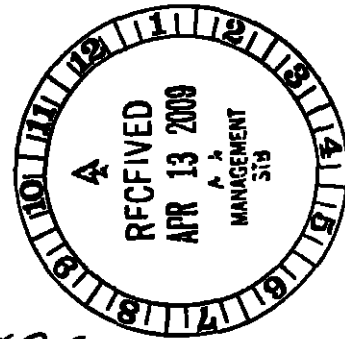
**Richard Vonnegut  
President**

**FILED**

APR 13 2009

**SURFACE  
TRANSPORTATION BOARD**

Indiana Trails Fund  
217 W. 10<sup>th</sup> St. #120  
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**SURFACE  
TRANSPORTATION BOARD**

**Secretary  
Surface Transportation Board  
Washington DC 20423-0001**

**Re: Central RR of Indianapolis abandonment in Howard County,  
Indiana, AB-511-Sub#4X**

**Dear Secretary:**

**This request is filed on behalf of the Indiana Trails Fund, which is an Indiana not-for-profit corporation interested in preserving corridor land to make into walking trails, hereinafter referred to as "proponent."**

**Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between downtown Kokomo and both the southwest side of town, and the southeast part of town.**

**A. Request For Public Use Condition**

**Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:**

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**SURFACE  
TRANSPORTATION BOARD**

**1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is:**

**That the corridors lie with the city of Kokomo, and therefore will provide ways to walk and bike within Kokomo, and reduce the need to use a car. This corridor is in accordance with local plans.**

**The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time: to complete negotiations with RailAmerica.**

**2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have great use for commuting and have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.**

## **B. Request For Interim Trail Use**

**The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:**

## **STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

**In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Indiana Trails Fund.**

**The property, known as the Kokomo Cluster, is 5.18 miles, and made of two parts. The first, known as the CERA Mainline (or West Kokomo Line Segment) , extends from railroad milepost 183.64 in the southwest part of Kokomo to railroad milepost 181.26 on Madison Street near downtown , a distance of 2.38 miles in Howard County. The second, known as the CERA Tipton Industrial Lead (or South Kokomo Line Segment), extends from railroad milepost 54.3 near Jackson Street in downtown, to near milepost 51.5 near the grade crossing with US Highway 31, in the southside of Kokomo, a distance of 2.80 miles in Howard County.**

**The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-511 (Sub-No.4X ).**

**A map depicting the right-of-way is attached.**

**Indiana Trails Fund acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described**

**above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.**

**By my signature below, I certify service upon**

**Scott G. Williams, Esq  
Senior Vice President and General Council  
RailAmerica, Inc.  
7411 Fullerton Street  
Suite 300  
Jacksonville, FL 32256**

**Louis E. Gitomer, Esq.  
600 Baltimore Avenue  
Suite 301  
Towson, MD 21204**

**by Federal Express, postage pre-paid, first class,  
this 8<sup>th</sup> day of , 2009.**

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read "Richard Vonnegut", with a long, sweeping horizontal line extending from the end of the name.

**Richard Vonnegut,  
on behalf of the Indiana Trails Fund**

# Exhibit A - Map of Line in Kokomo, Indiana

